

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

ORIGINAL

1-6 P/252C
D/B.

Emanuel Thomas Newman,
Plaintiff,

CASE NO. 1:01-CV-0677

-Vs-

(Judge Conner)

Louis Caprio, and
James P. White, Lt., et.al.
Defendants,

FILED
HARRISBURG, PA

NOV 21 2003

MOTION FOR ORDER
OF MULTIPLE WRITS OF HABEAS CORPUS
DUCES TECUM AD TESTIFICANDUM

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

Comes Now, Emanuel Thomas Newman, plaintiff pro-se, and submits to this court a motion in accordance with this court's order dated November 5th, 2003, ordering this plaintiff to submit a detailed statement giving the names and addresses of all of the witnesses that he wishes to call.

Plaintiff, would also move this Honorable Court to issue multiple writs of habeas corpus Duces tecun ad testifucandum so that each of plaintiff's witnesses who are also incarcerated can be brought to the courthousse on February 2, 2004 to attend trial.

In support thereof, plaintiff states the following:

That the names and addresses of plaintiff's witnesses are as follows:

Johnny Mack Brown #04780-084
U.S.P. Allenwood
P.O. BOX 3000
White Deer, PA 17887

Inmate Jonny M. Brown was with plaintiff when he was written an institutional pass to go and see defendant James White.

Inmate Brown also walked with plaintiff to the Lt's office and waited outside until plaintiff's interview was over.

Furthermore, inmate Brown is well aware of numerous events related to during, and after the May 14, 1999 incident, which will contradict the defendant's claims.

Ervin D. Worthy #52349-060
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Inmate Worthy was with plaintiff after he visited with defendant White, and was aware of the meeting and in shock that plaintiff was not placed into custody, and allowed to remain on the compound. Inmate Worthy was also with plaintiff prior to him meeting with defendant Caprio, and is aware of what took place during that meeting, and the fact that plaintiff was returned to population.

Bobby E. Hazel # 41097-133
U.S.P. Florence
P.O. BOX 7500
Florence, Co 81226

Inmate Hazel was with plaintiff when he went to the Lt's office, it was inmate Hazel who told plaintiff that an attempt was made to hire him to murder the plaintiff. Inmate Hazel also was shocked to see plaintiff return from the Lt's office after knowing that his home-boys had gone to defendant White and told him that plaintiff's life was in danger.

Wayne Jackson # 58074-004
U.S.P. Cloeman
486 N.E. 54th Terrace
Coleman, FL 33521

Inmate Jackson informed plaintiff originally that there was a murderous plot against his life, and it was based upon this information that plaintiff requested to talk with defendant Caprio concerning his safety. Inmate Jackson was also aware that defendant White had been made aware of the plot against plaintiff's life.

Kevin Tensley #49227-038
U.S.P. Lewisburg
R.D. # 5
Lewisburg, Pa 17837

Inmate Tensley was the organizer of the murder plot against plaintiff, and was called to defendant White's office on the same day that this plaintiff was, and he and plaintiff crossed paths on their separate comings and goings. He also was witnessed by inmates Brown, Hazel, Worthy and Jackson going to and passing this plaintiff on his way from the meeting with defendant White.

Aldrich Ames # 40087-083
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Inmate Ames was plaintiff confidant in this matter, and can attest to the deep fear that plaintiff lived with prior to the actual attack itself. He was aware of the conversation with defendant White, and had demanded that plaintiff go to the warden on the day of the attack and demand to be placed into custody, because defendant's White and Caprio had failed to carry out Due Process.

Louis Caprio, Lieutenant
U.S.P. Allenwood
P.O. BOX 3000
White Deer, PA 17887

Defendant Caprio will testify to the fact in dispute, because he was made aware of a murderous plot against plaintiff, and failed to carry out the normal course of Due Process and provide this plaintiff with protective custody.

James P. White, Lieutenant
U.S.P. Allenwood
P.O. BOX 3000
White Deer, PA 17887

Defendant White, ~~told~~ this plaintiff that his informants had told him about a murder plot against plaintiff, and failed to carry out the normal course of Due Process, when asked to by this plaintiff so as to protect his health and safety. He will further testify to the facts in dispute.

Head Records Officer
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

The records officer will testify to the procedure for the collection and storage of institutional pass books, as well as explain why the documents related to plaintiff's request for all information concerning the pass book used to issue him a pass to see defendant White was withheld.

Also, plaintiff would request that this court order the Head Records officer of U.S.P. Allenwood to bring with him/her any and all photographs of Emanuel Thomas Newman # 13418-039, that were taken by staff at that institution on April 16, 1999, and May 14, 1999; along with all documents related to storage and collection of institution pass books; and all video tapes made of plaintiff along with a player if necessary.

George Gallick, Correctional Counselor
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Counselor Gallick will be called to testify concerning plaintiff remaining in the Special Housing Unit for over seven months without being seen by medical, even though he was sent numerous administrative remedies concerning same. Furthermore, Counselor Gallick will testify concerning his attempt to deny plaintiff Due Process by ignoring his administrative remedies and or destroying them so as to stop plaintiff from filing. And that he bring with him all administrative remedies filed by plaintiff from May 14, 1999 to January 16, 2000.

Dr. Whyatt (contract eye doctor)
U.S.P. Allenwood Medical Department
P.O. BOX 3000
White Deer, Pa 17887

That Dr. Whyatt will testify to the extent of plaintiff's injury which was suffered on May 14, 1999. Furthermore, he is to bring with him all medical records/files/notes concerning any and all examinations carried out upon this plaintiff by himself and or an assistant.

G.A. Fleck, Special Officer
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer Fleck witnessed the April 16, 1999 incident, it was he who photographed and did an investigation report concerning the original murder plot.

Lt. Gaytan
U.S.P. Allenwood
P.O. BOX 1000
White Deer, PA 17887

Lt. Gaytan was at both incidents (4-16-99 and 5-14-99), he wrote numerous reports. He also interviewed numerous inmate witnesses, and wrote reports from those investigations. Lt. Gaytan is to bring with him any and all reports dealing with the 5-14-1999 assault on plaintiff.

Kelly Kiser, Case Manager
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Ms. Kiser was plaintiff's case manager, and received numerous administrative remedies concerning his injury, and ignored them all. Thereby allowing plaintiff to remain in the Special Housing Unit for some 7 months untreated by medical staff.

J.W. Gonzalez, Unit Manager
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Mr. Gonzales is the unit manager and as such is Ms.Kiser's boss. He is responsible for actions and omissions made by each member of his unit team. Furthermore, he interviewed plaintiff after the 4-16-99 assault, and was made aware of the pending 5-14-99 assault before it took place, by defendant Caprio. He failed to take any preventive action. He is to bring any and all documents related to the 4-14-1999 and 5-16-1999 assaults of plaintiff, along with any and all reports that personally made concerning same.

M. Toll, SIS Officer.
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer Toll, claimed in a written statement that this plaintiff refused to talk about any of the incidents whatsoever, and turned him away.

Furthermore, Officer Toll, was aware of the pending threat to this plaintiff, because his inmate informants had ~~told~~ him that the D.C. Boys were in fact planing to assault plaintiff. He should bring with hand all reports related to the 5-16-99 assault of plaintiff.

John F. Fanello, Warden
C/O: U.S.P. Allenwood
P.O. BOX 3000
White Deer, PA 17887

Mr. Fanello was the warden of U.S.P. Allenwood during the time prior to and after both assaults, and plaintiff sent numerous administrative remedies/ letters etc, to his office concerning the inaction taken by staff. Furthermore, he is responsible for the orderly running of the institution, and normal course of Due Process taken to insure inmate safety. He should bring with him all documents related to the incident and any and all administrative remedies filed by this plaintiff from May 14, 1999 until December 1999.

Officer L.R. Shults
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer will testify to the events that he reported in his May 14, 1999 report on the incident that took place in UNit 3A, with plaintiff, and inmate Tensley.

Officer W. Beck
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer will testify to the events listed in his memorandum concerning the incident between plaintiff and Tensley on May 14, 1999.

Ronald A. Laino (health Services Director)
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Mr.Laino will bring with him any and all medical documents related to plaintiff's April 16, 1999 and May 14, 1999 injuries. Furthermore, he will also testify as the reason that plaintiff's numerous cop-outs requesting medical assistance by the eye doctor went unanswered by both he and his staff.

Dr.Sung K. Lee, M.D.
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

That Dr.Lee will testify to the extent of plaintiff's April 16, 1999 injuries and May 14, 1999 injuries. He is to bring with him any and all notes,papers, videos, still pictures etc, that are in the possession of the Bureau of Prisons.

L.T. Patrick, EMT-P
U.S.P. Allenwood
P.O. BOX 3000
White Deer, PA 17887

Mr. Patrick examined plaintiff shortly after the May 14, 1999, he also wrote a medical report concerning plaintiff's condition at that time. He is to bring with him any and all papers related to the May 14, 1999 incident.

P.A. Betances
U.S.P. Allewnood
P.O. BOX 3000
White Deer, Pa 17887

P.A. Betances attented to plaintiff on April 16, 1999, amd MAY 14, 1999, and wrote numerous medical reports concerning the medical condition of the plaintiff. He is to bring with him any and all notes, papers, pictures, videos etc related to the both the named incidents.

P.A. Pannell
U.S.P. Allenwood
P.O. BOX 3000
White Deer, PA 17887

P.A. Pannell attended to the plaintiff's injuries on both April 16, 1999 and May 14, 1999, and wrote numerous reports about same. He is to bring with him any and all notes, papers, vedios, etc related to those incidents.

Officer R. Rabb
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer Rabb was the officer who was first on the scene on April 16, 1999, and witnessed first hand the condition of plaintiff. Further, he along with other officers removed plaintiff on a gurney to the medical department. He will testify about same, and plaintiff's condition after being released from the S.H.U. (Special Housing Unit).

Officer Dunkleburger
U.S.P. Appenwood
P.O. BOX 3000
White Deer, PA 17887

This officer attended to plaintiff with officer Rabb, and witnessed plaintiff's condition, and well as heard the remarks made by the other inmate. He is to bring with him all reports that he wrote concerning the incident.

Officer Mummey
U.S.P. Allewnood
P.O. BOX 3000
White Deer

This officer also attended to plaintiff after the April 16, 1999 incident and wrote numerous reports. He is to bring with him any and all reports, notes, papers related to same.

Officer J. Peters
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer Peters was the unit officer during the May 14, 1999 incident and was attacked by Tensley also. He wrote numerous reports related to the attack upon plaintiff, and the injuries that he received. He is to bring with him all reports concerning the May 14, 1999 incident.

Officer J. Nash
U.S.P. Allenwood
P.O. BOX 3000
White Deer, Pa 17887

Officer Nash was with officer Peters in unit 3A during the May 14, 1999 incident. He will also testify to the circumstances related to said incident, and any injuries that he suffered.

Plaintiff would state to this honorable court that all of the persons listed herein are to be called to testify, and that this court should issue an order/writ commanding each to either appear on their own, and or to be brought to the court from whatever institution that they might be incarcerated at this time.

Respectfully submitted by Emanuel T. Newman

Emanuel T. Newman
13418-039
F.C.I. Oxford
P.O. BOX 1000
Oxford, Wis 53952-1000

Date: Nov 17, 2003.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Emanuel Thomas Newman,

Vs.

Ronald L. Jury, et al,

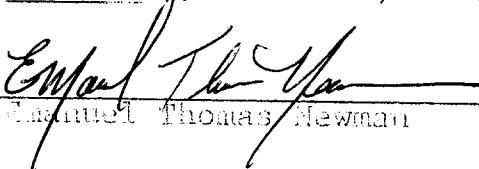
Civil no. 1:CV-01-0677

CERTIFICATE OF SERVICE

I, Emanuel Thomas Newman, pursuant to title 28 U.S.C. § 1746, do hereby upon my oath state that I have served all parties to this civil action via the United States Mail Service, of copies of the attached documents.

This 17 day of Nov, 2003.

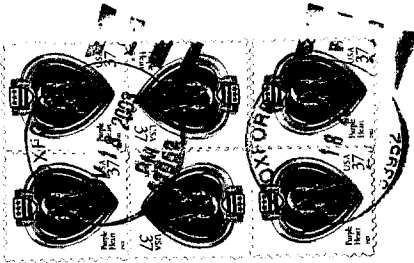
By,


Emanuel Thomas Newman

Copies to: U.S. Attorney
316 Federal Building
240 West Third Street
Williamsport, PA 17703

U.S. DISTRICT COURT
CLERK OF THE COURT
228 TALMITH STREET
HARRISBURG, PA 17101*
17108

EMANUEL THOMAS NEWMAN
13418-039
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 1000
OXFORD, WISCONSIN 53952-1000



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION
OFFICE OF THE CLERK OF THE COURT
228 WALNUT STREET
HARRISBURG, PENNSYLVANIA 17108

FILED
HARRISBURG, PA
NOV 21 2003
MARY E. DIANDREA, CLERK
Per [Signature]
Deputy Clerk